



California Fair Political Practices Commission

September 9, 1987

Honorable Jean Morony
Judge, Butte County Superior Court (Retired)
P.O. Box 918
Chico, CA 95927

Re: Your Request for Advice
Our File No. A-87-213

Dear Judge Morony:

You have requested advice concerning the campaign disclosure provisions of the Political Reform Act.^{1/}

QUESTION

Are you, as a retired judge, required to file campaign disclosure statements if you make campaign contributions out of personal funds to officeholders, candidates or committees?

CONCLUSION

You are not required to file campaign disclosure statements unless you make contributions totalling \$10,000 or more in a calendar year.

ANALYSIS

The Act requires that elected officers, candidates for elective office and committees file periodic campaign disclosure statements. Most elected officeholders and candidates must file campaign statements each year, whether or not they have made or received contributions or made expenditures. (Section 84200, et seq.) Judges, however, are required to file campaign statements only if they are being voted upon, or if they have made or received contributions or made expenditures during the year. (Sections 84200(a)(2) and 84200.5.)

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

"Elected officer" means:

...any person who holds an elective office or has been elected to an elective office but has not yet taken office. A person who is appointed to fill a vacant elective office is an elected officer.

(Section 82020)

"Elective office" means:

...any state, regional, county, municipal, district or judicial office which is filled at an election....

(Section 82023)


A person who has retired from an elective office is no longer considered an "elected officer." Therefore, a retired judge is required to file campaign disclosure statements only if he or she qualifies as a "committee."

Of the three types of "committees" defined in Section 82013, only the "major donor committee" applies to your question. A retired judge who makes contributions out of personal funds would qualify as a "major donor committee" if the judge makes contributions totalling \$10,000 or more in a calendar year. (Section 82013(c).)

If you have made or anticipate making contributions from personal funds which total \$10,000 or more in a calendar year, please contact our office and we will send you the necessary forms and information for filing campaign disclosure statements.

Sincerely,

Diane M. Griffiths
General Counsel


By: Jeanne Pritchard
Division Chief, Technical
Assistance & Analysis Division

DMG:JP:kmt

JEAN MORONY, JUDGE
BUTTE COUNTY SUPERIOR COURT
(RETIRED)

POST OFFICE BOX 918
CHICO, CALIFORNIA 95927
August 5, 1987

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Fair Political Practices Commission
P. O. Box 807
Sacramento, CA 95804

Gentlemen:

In 1981 I retired and thereafter sat periodically on assignment. However, with one minor exception of an hour's hearing in 1986, I have not sat on assignment during 1986 and 1987. I last ran for an elective office in 1974.

It has been my understanding that retired judges were not required to file reports concerning contributions to judicial and non-judicial candidates seeking elective office nor to organizations supporting or opposing ballot propositions. However, recent reports have raised a question in my mind whether my understanding has been correct.

Will you please let me know whether my understanding is correct. If it is not correct, please send me the necessary forms so that I may immediately comply. Thank you for your assistance and cooperation.

Very truly yours,



JM:pm



California Fair Political Practices Commission

August 10, 1987

Jean Morony, Judge
Butte County Superior Court
P.O. Box 918
Chico, CA 95927

Re: 87-213

Dear Ms. Morony:

Your letter requesting advice under the Political Reform Act was received on August 6, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, reading "Jeanne Pritchard", is written over a faint, larger version of the same name.

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:jaj